

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Robert Lee Bailey,

Civil No. 08-6096 (DWF/SRN)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Harley G. Lappin, Director of the  
Bureau of Prisons,

Defendant.

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Robert Lee Bailey, *Pro Se*, Plaintiff.

Ana H. Voss and Mary J. Madigan, Assistant United States Attorneys, United States Attorney's Office, counsel for Defendant.

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This matter is before the Court upon Plaintiff Robert Lee Bailey ("Plaintiff") objections to Magistrate Judge Susan Richard Nelson's Report and Recommendation dated May 20, 2010, recommending that Defendant's Motion to Dismiss be granted and Plaintiff's Cross-Motion for Summary Judgment be denied.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties, including the four categories of objections raised by the Plaintiff in his response to the well-reasoned Report and Recommendation of Magistrate Judge Nelson, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

**ORDER**

1. Plaintiff Robert Lee Bailey's objections (Doc. No. [47]) to Magistrate Judge Susan Richard Nelson's Report and Recommendation dated May 20, 2010, are **DENIED**.
2. Magistrate Judge Susan Richard Nelson's Report and Recommendation dated May 20, 2010 (Doc. No. [46]), is **ADOPTED**.
3. Defendant's Motion to Dismiss (Doc. No. [27]) is **GRANTED**.
4. Plaintiff's Cross-Motion for Summary Judgment (Doc. No. [34]) is **DENIED**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: July 1, 2010

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge